

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUSTIN SAMUELS,

Plaintiff,

-v-

BARNARD COLLEGE,

Defendant.

CIVIL ACTION NO. 23 Civ. 6181 (PAE) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

Before the Court is the request of pro se Plaintiff Justin Samuels for a bench trial in connection with the pending motion to dismiss filed by Defendant Barnard College (the “MTD”). (ECF No. 49 (the “Request”)). The Request is DENIED. The MTD challenges the facial sufficiency of the claims asserted in the Second Amended Complaint. See, e.g., Kaid v. Tatum, No. 20 Civ. 3643 (JLR) (SLC), 2024 WL 946949, at \*6–7 (S.D.N.Y. Jan. 24, 2024) (explaining that, in evaluating a motion to dismiss under Fed. R. Civ. P. 12(b)(6), the court evaluates whether the complaint “contain[s] ‘factual allegations sufficient to raise a right to relief above the speculative level’”) (quoting ATSI Commc’ns, Inc. v. Shaar Fund, Ltd., 493 F. 3d 87, 98 (2d Cir. 2007)), adopted by, 2024 WL 639331 (S.D.N.Y. Feb. 15, 2024). Therefore, a bench trial, which would involve an evaluation of the sufficiency of the evidence in support of Mr. Samuels’ claims, is inappropriate at this juncture. See generally Ferguson v. Ferrante, 664 F. App’x 58, 61–62 (2d Cir. 2016) (summary order) (discussing whether evidence at bench trial was sufficient to support finding of liability). To the extent Mr. Samuels seeks oral argument before the Court in connection with the MTD, the Court will consider that request and will schedule oral argument if deemed appropriate.

Dated: New York, New York  
April 16, 2024

SO ORDERED.

  
SARAH L. CAVE  
United States Magistrate Judge